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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00341 RMW
)	
Plaintiff,)	STIPULATION CONTINUING HEARING
)	DATE AND EXCLUDING TIME;
v.)	ORDER []
)	
FU-TAIN LU, et al.)	Date: August 30, 2010
)	Time: 9:00 a.m.
Defendants.)	
)	Before The Honorable Ronald M. Whyte
_____)	

Defendants Fu-Tain Lu and Fushine, Inc., and the government, through their respective counsel, hereby stipulate, subject to the Court's approval, that the status conference scheduled for August 30, 2010 should be continued to **Monday, September 27, 2010, at 9:00 a.m.** The basis for the request is that the parties are engaged in discussions in an effort to try to resolve this case, and expect to be in a better position to advise the Court as to their intentions by the proposed new date. Defense counsel are also preparing for a civil trial in another case, which prevents the negotiations in this case from occurring any sooner.

1 The parties agree that the time through and including September 27, 2010 is properly
2 excluded from the Speedy Trial Clock, and that the ends of justice outweigh the interests of the
3 public and the parties in a speedier trial based upon the reasons set forth in 18 U.S.C.
4 § 3161(h)(7)(A) and (B)(i) and (iv).

5 Dated: August 27, 2010

6 /s/
KATHLEEN F. SHERMAN
BERLINER COHEN
7 Counsel for Defendants

8 Dated: August 27, 2010

9 JOSEPH P. RUSSONIELLO
United States Attorney

10 /s/
11 DAVID R. CALLAWAY
12 Assistant United States Attorney

13 **ORDER**

14 For the reasons set forth by the parties in the stipulation above, and good cause appearing,
15 IT IS HEREBY ORDERED that the motions hearing in the captioned case is continued
16 from August 30 to September 27, 2010, at 9:00 a.m., before The Honorable Ronald M. Whyte,
17 United States District Judge. It is further ordered that the time through and including September
18 27, 2010 is properly excluded from the Speedy Trial Clock. The Court finds that the ends of
19 justice outweigh the interests of the public and the parties in a speedier trial based upon the reasons
20 set forth in 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

21
22 Date: 9/16/10

23 
RONALD M. WHYTE
24 United States District Judge
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